

REMARKS

Claims 1-16 are pending in the present Application. Claims 9-13 have been withdrawn. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks. Claim 1 is amended to specify that the substrate polymer is substantially free of ionic bonds, as supported by the specification in paragraph [0013]. New claim 17 is added to specify that the substrate is a support, as supported by the specification in paragraph [0010].

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-7, and 14-16 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Hanoka (US 6,114,046) (hereinafter “Hanoka”) in view of Dewart et al. (US 6,114,456) (hereinafter “Dewart”). Applicants respectfully traverse this rejection.

Applicants’ claimed invention is directed to a multilayer surface covering comprising a polymer substrate that is substantially free of ionic groups, a wear layer made of polymer of an ionomeric type, and a metallocene olefinic polymer intermediate layer between the substrate and the wear layer. Hanoka discloses an encapsulating medium comprising two inner layers of metallocene polyethylene sandwiched between two outer layers of ionomeric polymer. The Office Action asserts that Hanoka discloses each of the elements of Applicants’ claimed invention except for the claimed intermediate layer compositions. Specifically, the Office Action asserts that one of Hanoka’s ionomeric outer layers satisfies Applicants’ claimed ionomeric wear layer, the other of Hanoka’s ionomeric outer layers satisfies Applicants’ claimed substrate, and Hanoka’s two inner metallocene polyethylene layers satisfy Applicants’ claimed intermediate layer and additional layer (claim 6), respectively. Applicants respectfully disagree.

First, Applicants' claimed invention requires that the substrate polymer be substantially free of ionic bonds whereas Hanoka's ionomeric outer layers explicitly require the presence of ionic bonds. Accordingly, Applicants respectfully submit that Hanoka's ionomeric outer layer cannot satisfy Applicants' claim element of a polymer substrate that is substantially free of ionic bonds.

Second, Applicants respectfully submit that neither of Hanoka's ionomeric outer layers, at a thickness of 0.001-0.004" thick, is in any case a substrate (claim 1) nor a support (claim 17). Common dictionary definitions for the term "substrate" include the concept that the substrate underlies and *supports* the layers disposed on top of it. Applicants paragraph [0010] discloses that the substrate acts as a support. Hanoka's ionomeric layer represents a microscopically thin polymer layer that could not provide support, and Applicants submit would not be considered a substrate by one skilled in the art. To the contrary, Hanoka clearly teaches at col. 4, lines 22-28 that their entire multilayer encapsulating material's function is to use *it* to encapsulate separate transparent support layers, or between separate support and substrate layers (col. 7, lines 11-15). Although Hanoka clearly contemplates the concept of a substrate, he clearly does not consider that the ionomeric outer layers of his encapsulating material could in any fashion qualify as a "substrate".

Claim 8 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Hanoka in view of Dewart, as applied to claims 1-7 and 14-16 above, and further in view of JP-0923018 (hereinafter JP'018). Applicants respectfully traverse this rejection.

JP'018 is cited for teaching a polyurethane layer may be applied to a solar cell module. JP'018 discloses a solar battery module comprising several battery cells electronically connected

to one another and sealed with an aliphatic and/or polyurethane resin on a substrate. The function of the polyurethane as disclosed in JP'018 is to seal the solar battery module against the elements. However, the Hanoka material itself is used to encapsulate (i.e., seal) other materials, and Applicants respectfully submit that one skilled in the art would therefore not look to combine JP'018 with the disclosure of Hanoka because Hanoka's materials are already sealed.

CONCLUSION

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the present application is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below for an interview.

Applicant hereby petitions under 37 CFR 1.136 and other applicable rules to have the response period extended the number of months necessary to render the attached communication timely in the event a petition is required.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130, maintained by the applicant's attorney.

Respectfully submitted,

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